

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of the Commission's Policies and)	IB Docket No. 06-160
Rules for Processing Applications in the)	
Direct Broadcast Satellite Service)	

REPLY COMMENTS OF INTELSAT LICENSE LLC

Intelsat License LLC (“Intelsat”) files these Reply Comments in response to comments on the Federal Communications Commission’s (“FCC” or “Commission”) Second Notice of Proposed Rulemaking (“NPRM”) that seeks input on revisions to the direct broadcast satellite (“DBS”) service rules.¹ Intelsat urges the Commission to reject two proposals by EchoStar Satellite Operating Corporation and DISH Network L.L.C. (collectively, “EchoStar”): a corporate guarantee as an alternative to a surety bond² and a change to the Commission’s policy of deferring processing of a U.S. market access request deemed mutually exclusive with a prior U.S. application filing.³

¹ See generally, *Amendment of the Commission’s Policies and Rules for Processing Applications in the Direct Broadcast Satellite Service*, Second Notice of Proposed Rulemaking, IB Docket No. 06-160, FCC 18-157 (rel. Nov. 13, 2018).

² See Echostar Satellite Operating Corporation and DISH Network L.L.C. Comments, IB Docket No. 06-160 at 7 (Mar. 25, 2019) (“EchoStar Comments”).

³ *Id.* at 9-10.

I. THE COMMISSION SHOULD AGAIN REJECT ECHOSTAR'S PROPOSED CORPORATE GUARANTEE.

In response to the present NPRM, EchoStar again proposes to allow an entity to use a corporate guarantee as an alternative to a surety bond.⁴ While Intelsat again does not oppose in principle EchoStar's proposal, the proposal still fails to address important details—such as what financial resources would be required to become eligible for a guarantee.⁵ Similarly, in its comments EchoStar does not address the Commission's recent determination that “[a] corporate guarantee would remove the market-based mechanism incorporated in the bond requirement that includes the financial community in determining whether the licensee is likely to construct and launch its proposed satellite system”⁶ or that it “may also provide an insufficient assurance of payment in the event of bankruptcy of the company acting as guarantor.”⁷ As such, EchoStar's proposal still fails to show that a corporate guarantee would be as effective as, and serve the purposes of, the surety bond requirement and should again be rejected.

II. THE FCC'S TWO-STEP LICENSING PROCESS PROVIDES EQUITABLE TREATMENT FOR U.S. AND FOREIGN-LICENSED SATELLITES.

In 2015 the Commission determined that “if a non-U.S. licensed operator files a request for access to the U.S. market after the filing of a first-step application that is deemed mutually

⁴ See Echostar Comments at 7. Echostar made this same proposal in response to an earlier NPRM. See Echostar Satellite Operating Corporation and Hughes Network Systems, LLC Comments, IB Docket No. 12-267 at 29 (Jan. 29, 2015).

⁵ See Intelsat License LLC Reply Comments, IB Docket No. 12-267 at 11 (Mar. 2, 2015).

⁶ *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, IB Docket No. 12-267, FCC 15-167 ¶ 85 (Rel. Dec. 17, 2015) (“Part 25 Order”).

⁷ *Id.*

exclusive, [the Commission] generally will defer action on the market access request until after [the agency has] resolved the earlier-filed application or mutual exclusivity concerns have been eliminated through coordination between the parties involved,” thereby extending the Commission’s queue procedure to the two-step licensing process adopted in the 2015 Part 25 Order.⁸ In this DBS proceeding, EchoStar renews its request for the Commission to reconsider its policy of deferring the processing of a U.S. market access request deemed mutually exclusive with a prior U.S. application filing,⁹ arguing that the policy is “not in the public interest because it hinders international coordination.”¹⁰

EchoStar’s request is already pending in front of the Commission. Specifically, in 2016, SES Americom, Inc. and New Skies Satellites B.V. (collectively, SES) filed a Petition for Reconsideration on this issue,¹¹ which EchoStar filed in support of.¹² Intelsat believes that the FCC’s 2015 rules related to International Telecommunication Union (“ITU”) submissions provide equal opportunity for both U.S. and non-U.S. licensed satellite operators and do not require modification.¹³ As Intelsat previously highlighted, the Commission has consistently

⁸ Part 25 Order at ¶ 42.

⁹ See EchoStar Comments at n. 33.

¹⁰ See *id.* at 9-10.

¹¹ Petition for Reconsideration of SES Americom, Inc. and New Skies Satellites B.V., IB Docket No. 12-267 (filed Sept. 19, 2016). Intelsat notes that the Commission has not taken any action on the Petition for Reconsideration.

¹² See EchoStar Comments at n. 33.

¹³ See Intelsat License LLC Opposition, IB Docket No. 12-267 at 1 (Nov. 18, 2016) (“Intelsat Opposition”).

indicated that the ITU process, such as international coordination, is separate and independent from the domestic licensing process.¹⁴ Intelsat believes the Commission's current policy of deferring action on a second-in-time market access request should not be revised as EchoStar requests because it does not negatively impact international coordination. Intelsat incorporates by reference its Objection to SES's Petition for Reconsideration,¹⁵ herein attached to this pleading.

III. CONCLUSION

Intelsat respectfully asks the Commission to reject the two EchoStar proposals discussed above given concerns raised by the Commission itself, as well as by Intelsat.

Respectfully submitted,

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¹⁴ See, e.g., *Amendment of the Commission's Space Station Licensing Rules and Policies*, Second Order on Reconsideration, 31 FCC RECD 9398, 9410 (¶ 32) (2016); *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3 -17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Second Order on Reconsideration, 25 FCC RECD 15718, 15722-25 (¶¶ 7-13) (2010); *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order, 18 FCC RECD 10760, 10870 (¶ 295) (2003).

¹⁵ Intelsat Opposition.